

MINUTES of a regular meeting of the City Council of the City of Redlands held in the Council Chambers, Civic Center, 35 Cajon Street, on December 21, 2004, at 3:00 P.M.

PRESENT Susan Pepler, Mayor
Gilberto Gil, Mayor Pro Tem
Pat Gilbreath, Councilmember
Gary George, Councilmember
Jon Harrison, Councilmember

ABSENT None

STAFF John Davidson, City Manager; Daniel J. McHugh, City Attorney; Lorrie Poyzer, City Clerk; Michael Reynolds, City Treasurer; Cletus Hyman, Deputy Police Chief; Jim Drabinski, Acting Fire Chief; Tina Kundig, Finance Director; Ronald C. Mutter, Public Works Director; Marjie Pettus, Administrative Services Director; Gary G. Phelps, Municipal Utilities Director (afternoon session); Gary Van Dorst, Solid Waste Manager (evening session); and Jeffrey L. Shaw, Community Development Director

The meeting was opened with an invocation by Mayor Pro Tem Gil followed by the pledge of allegiance.

PRESENTATIONS

Cold Weather Shelter - Councilmember George and Pastor George Bowker, The Savior's Place, presented certificates in recognition of support of the Redlands Cold Weather Shelter to: Captain Jack Bowen, Salvation Army; Sam Flechtner, American Red Cross; Sally Salas, City of Redlands; Denny Sattler, City of Redlands; Don Wallace, Redlands Christian Center; Felix Roger Jones, III, All Peoples Unity Baptist Church; Adam De La Vega, Church on the Hill; Rick Harrell, Brookside Church; Steve Harris, New Life Chapel; Heather DeWitt, The River Church; Tammy Chester, Pathway Church; James Powell, Trinity Church; Cheryl Heensen, Family Service; Barb Vasey, Program Manager; and Joel Vasey, Facility/Equipment Supervisor. Pastor Bowker explained how the organization was set up which consists of 10 churches, 56 trained personnel, and 85 volunteers on the list. The Salvation Army provides breakfast in the morning.

Plaque - Community Development Department - Councilmember George represented the City at a recent press conference for the largest solar generating facility in Redlands located at the Edwards Mansion. All the parties involved thanked the City of Redlands for their cooperation especially Community Development Director Shaw. Councilmember George presented a plaque from GenSelf Corporation for an Environmental Stewardship Award to Community Development Director Shaw for display in his office.

Downtown Master Plan Charrette - Paul Mortensen of Torti Gallas and Partners, presented a summary of the charrette process conducted in early November. He concluded his presentation noting the next steps would be the creation of design standards and proposed modifications to the existing Codes; preparation of a downtown master plan and amendments to the Downtown Specific Plan; preparation of the final traffic evaluation; and preparation of CEQA and a programmatic Environmental Impact Report. Councilmember Harrison moved to receive and file the report with recommendations on the Downtown Specific Plan as presented by Torti Gallas and Partners and directed staff to use this report as a guide for the development of downtown.

CONSENT CALENDAR

Minutes - On motion of Councilmember George, seconded by Councilmember Gil, the minutes of the regular meeting of December 7, 2004, were approved as submitted.

Bills and Salaries - On motion of Councilmember George, seconded by Councilmember Gil, payment of bills and salaries was acknowledged.

Planning Commission Actions - On motion of Councilmember George, seconded by Councilmember Gil, the report of the Planning Commission meeting held on December 14, 2004, was acknowledged as received.

Resolution No. 6266 - Annexation No. 81 - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6266, a resolution of the City Council of the City of Redlands relative to an application to the Local Agency Formation Commission to initiate proceedings for annexation of certain uninhabited territory (Annexation No. 81) described as a single family residential subdivision known as Tentative Tract No. 16402 generally located on the south side of Madeira Avenue, west of Sapphire Avenue and east of Plumwood Lane in the City's sphere of influence (AKS & BEK, applicant).

Resolution No. 6329 - Annexation No. 83 - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6329, a resolution of the City Council of the City of Redlands relative to an application to the Local Agency Formation Commission to initiate proceedings for annexation of certain uninhabited territory (Annexation No. 83) described as a church known as Conditional Use Permit No. 818 generally located on the northwest corner of Mentone Boulevard and Amethyst Street in the City's sphere of influence (Amethyst Bible Church, applicant).

Tract No. 16359 - Final Approval - Subdivision Improvement Agreement - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved the subdivision improvement agreement for Tract Map No. 16359 located on the east side of Texas Street, north of Pioneer Avenue, and authorized the Mayor and City Clerk to execute the document on behalf of the City. On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously granted final approval for Tract Map No. 16359 as submitted by the applicant, KB Homes, Greater Los Angeles, Inc.

Contract Amendment - EIR - Covington Project - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved Amendment No. 2 to the contract with Michael Brandman Associates for professional environmental consulting services for the Environmental Impact Report for General Plan Amendment No. 93, Agricultural Preserve Removal No. 100, Zone Change No. 390, and Tentative Tract No. 16361 and authorized the Mayor and City Clerk to execute the document on behalf of the City.

General Plan Annual Report - Councilmember Harrison moved to continue the Annual General Plan Report to January 4, 2005. Motion seconded by Councilmember Pepler and carried unanimously.

Contract Extension - Mountainview Power Plant - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved the request to amend Paragraph 3 "Schedule and Terms" to the professional services contract with Berryman & Henigar, Inc. to provide plan check, inspection service and other related duties for the expansion to the Mountainview Power Plant within the City.

Contract - Biological Review - Standard Pacific Project - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved a contract with Tom Dodson and Associates for biological review services related to a proposed residential subdivision (Tract No. 16689) located west of Dearborn Street, north of Lugonia Avenue and south of San Bernardino Avenue (Standard Pacific, applicant), and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Contract Amendment - City Attorney - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved the sixth amendment to the employment agreement for City Attorney Daniel J. McHugh and authorized the Mayor and City Clerk to execute the document on behalf of the City.

LAFCO Commission Vacancy - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously supported

Mark Nuaimi, Mayor of the City of Fontana, to serve on one of the vacant city elected positions on the San Bernardino County Local Agency Formation Commission as recommended by Mayor Pepler.

Resolution No. 6346 - Traffic - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6346, a resolution of the City Council of the City of Redlands establishing the following traffic regulations pursuant to Title 10 of the Redlands Municipal Code: install a multi-way stop at Orange Avenue and Iowa Street; install stop signs on Tribune Street at Sun Avenue for north and southbound traffic; and install a yield sign on Sunset Drive North at Alta Vista Drive for westbound traffic.

Contract - Church Street Building Demolition Project - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved award of a contract to Protocol Consulting and Management for consultant services to prepare an asbestos and lead-based paints abatement report for the Church Street Building Demolition project and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Review of Emergency Action - Public Works Director Mutter reported that Resolution No. 6343, adopted by the City Council on November 2, 2004, declared that the public interest and necessity demanded the immediate expenditure of public money to safeguard life, health and property. He had determined that damages caused by the storms of October 20 and October 27, 2004, had caused the undermining and collapse of storm drains and the undermining of embankments at several locations. The need to make necessary repairs was immediate. Public Works Director Mutter reviewed the status of the emergency work reporting the contractor has completed work related to this emergency. This will be the final report on this disaster.

Resolution No. 6351 - Termination of Local Emergency - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously adopted Resolution No. 6351, a resolution of the City Council of the City of Redlands, California, proclaiming termination of a local emergency which was proclaimed by the Emergency Services Director on October 20, 2004, and ratified by the City Council by adoption of Resolution No. 6340 on October 27, 2004.

Agreement - Emissions Testing - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved an agreement with SCEC to furnish source emissions testing services at the California Street Landfill Flare and Electricity Cogeneration Facility for the amount of \$14,035.00, authorized staff to approve contingent costs up to

10 percent over the initial amount, and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Community Meeting - Hillside Memorial Park - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously authorized the Municipal Utilities Department to conduct a community meeting at Hillside Memorial Park regarding installation of cellular communication towers and support facilities.

Bear Valley Mutual Water Company Stock Purchase - Due to a potential conflict of interest, Councilmember Gilbreath retired from the Council Chambers and did not participate in this matter; a Public Disclosure of Potential Conflict of Interest form is on file in the Office of the City Clerk. On motion of Councilmember George, seconded by Councilmember Peppler, the City Council approved, by AYE votes of all present, the purchase of three (3) shares of Bear Valley Mutual Water Company stock from Casimir Zyss for a total price of \$375.00.

Contract Award - Redlands Municipal Airport - Bids were opened and publicly declared on December 2, 2004, by the City Clerk for the Runway and Taxiway Rehabilitation Project at the Redlands Municipal Airport (Project No. 7-0240); a bid opening report is on file in the Office of the City Clerk. It was the recommendation of the Municipal Utilities Department that the responsible bidder submitting the bid for said project which will result in the lowest cost for the City was Laird Construction in the amount of \$1,399,738.96 and it would be in the best interest of the City that this contract be awarded to said firm. On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved this recommendation, authorized the Mayor and City Clerk to execute the documents on behalf of the City, and authorized staff to approve costs within the funds available.

Contract - Customer Information System - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved an annual software maintenance and support contract with Systems & Software, Inc. for support of application software and hardware products and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Purchase of Collection Trucks - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously authorized the purchase of three (3) LNG automated collection trucks from Carmenita Truck Center in the amount of \$660,095.90.

Amendment - Property Purchase Agreement - Standard Pacific Homes - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved the second amendment to the purchase and sale

agreement with Standard Pacific Homes for the purchase of and sale of property owned by the City of Redlands (Assessor's Parcel No. 168-121-13) to extend the escrow closing date to March 31, 2005 and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Amendment - Ammonium Perchlorate Research - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved the first amendment to the sponsored research agreement with Penn State University for ammonium perchlorate research at the City's Texas Street Treatment facility to extend the agreement to June 30, 2005, and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Independent Contractor Agreement - Darrel Richard - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously approved an independent contractor agreement with Darrel Richard to develop and conduct aerobic classes for the City's Recreation Bureau and authorized the Mayor and City Clerk to execute the document on behalf of the City.

Acceptance of Donation - Disaster Preparedness Program - On motion of Councilmember Gilbreath, seconded by Councilmember Harrison, the City Council unanimously accepted a donation of \$3,500.00 from Harold L. and Sharyl M. Ewart and authorized an additional appropriation in the same amount for the purchase of emergency equipment within the City of Redlands Disaster Preparedness Program.

Settlement Agreement - Casey and Joan White - On motion of Councilmember George, seconded by Councilmember Gil, the City Council unanimously acknowledged a Settlement and Release Agreement with Casey White and Joan White for settlement of their personal injury and property damage claim and authorized the Mayor and City Clerk to execute the document on behalf of the City. The City Council authorized settlement of this lawsuit and this agreement reflects the Council's terms and conditions for settlement.

PLANNING AND COMMUNITY DEVELOPMENT

Agreement - Tom Bell Chevrolet - Community Development Director Shaw reported that Tom Bell Chevrolet is requesting City Council approval of a Development Incentive and Operating Covenant Agreement to relocate to the Auto Mall. The agreement utilizes the same modified formula to calculate the sharing of new sales tax revenue as a result of the Chevrolet's operation of an automobile dealership in the Auto Mall. Michael Hastings, Direct Point Advisors, answered Councilmember Harrison's questions. Councilmember George moved to approve a Development Incentive and Operating Covenant Agreement with Tom Bell Chevrolet and authorized the Mayor and City Clerk to execute the document on behalf of the City. Motion seconded by

Councilmember Harrison and carried with Councilmember Gilbreath voting NO as she continued to feel we should not be giving these incentives.

Residential Development Allocations - Community Development Director Shaw reviewed the following application for residential development allocations for the fourth quarter of 2004:

1. RDA 2004-IV-01 - A residential development allocation request for allocations for Tentative Tract No. 16747, an approved residential subdivision consisting of 52 lots located north of San Bernardino Avenue, south of Pioneer Avenue, approximately 2,000 feet west of Judson Street - Ryland Homes of California, Inc., applicant

Community Development Director Shaw reviewed the residential development allocation analysis and the points recommended noting the application did not receive the minimum 90 points. The application requests an allocation for 52 residential building permits which is the size of the subdivision project. If the City Council adopts the Planning Commission, Historic and Scenic Preservation Commission, and staff recommendations, Ryland Homes will not receive any allocations. This is their first application for allocations; no previous allocations have been awarded for the project. The current recommendation for 77 points was achieved as the initial award of points at the Planning Commission hearing, and no further reconsideration took place; therefore, the final determination remained at 77 points. There were areas in the evaluation, such as proximity to adjacent development only on one side and agricultural preserve and Williamson Act contract lands immediately adjacent, that resulted in less points than most other projects as these factors have generally not been present. Other areas, such as architectural design, were considered average or substandard but could gain more points if improved. The evaluation sheets from each commission and department were attached to the staff report. If the City Council is inclined to add or subtract points to the residential development allocation, they may want to look at categories where some discretion can be exercised such as architecture, site design and grading, and landscaping. Allocations for the 52 units requested are available for this quarter. On behalf of the applicant, Pat Meyer presented a packet of information with revisions to the proposed project. Councilmembers discussed whether they could consider the revisions at this time. It was noted the applicant would not have an unfair advantage as there were no other applications received and being considered for this quarter. Councilmember Gilbreath moved to amend the point allocations as follows: location: plus 5; architectural design: plus 5; site and grading design: plus 2; and preservation of agriculture: plus 2 making a total of 91 and further moved to approve an allocation of 52 units to RDA 2004-IV-01, Ryland Homes of California, Inc. Motion seconded by Councilmember Gil and carried unanimously.

COMMUNICATIONS

Reappointments - Traffic and Parking Commission - Mayor Peppler moved to reappoint Chuck Alexander and C. Don O'Neal to another four-year term each on the Traffic and Parking Commission. Motion seconded by Councilmember George and carried unanimously.

Proposal - City's Natural Resource Planning and Management Objectives - Councilmembers George and Harrison recommended the City Council consider preparation of an agreement with the University of Redlands to provide support for the City's Natural Resource Planning and Management objectives. The concept proposal is for the University of Redlands' Center for Environmental Studies (CES) to assemble a team of faculty and GIS professionals and students to provide support for this project. Support by CES is proposed as an ongoing contract that can be managed on a time and materials basis to ensure the City can direct work to the tasks and activities where it requires assistance. Councilmember Harrison moved to authorize staff to prepare an agreement with the University of Redlands to provide support for the City's Natural Resource Planning and Management objectives. Motion seconded by Councilmember George and carried unanimously.

JOINT MEETING - CITY COUNCIL AND REDEVELOPMENT AGENCY

Resolution No. 6349 - Great Neighborhood Program - Councilmember Gilbreath moved to adopt Resolution No. 6349, a resolution of the City Council of the City of Redlands authorizing the use of low- and moderate-income housing funds outside the Redlands Project Area. Motion seconded by Councilmember George and carried unanimously. (Also see Resolution No. 388 in the Redevelopment Agency minutes for December 21, 2004.)

CLOSED SESSION

The City Council meeting recessed at 4:26 P.M. to continue the Redevelopment Agency meeting and reconvened at 4:37 P.M. to a closed session to discuss the following:

1. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(b) - One case
2. Conference with legal counsel: Anticipated litigation - Government Code Section 54956.9(c) - One case

The meeting reconvened at 7:00 P.M.

ANNOUNCEMENTS/REPORTS

Councilmembers reported on their activities and attendance at meetings during the past two weeks.

LAND USE AND PUBLIC HEARINGS

Bed and Breakfast Inns - Public notice was advertised for this time and place to consider a Draft Mitigated Negative Declaration as well as hold a public hearing for Ordinance No. 2592, Ordinance Text Amendment No. 306, an amendment to modify Article III of Section 18.156 regarding the regulations and permitting of Bed and Breakfast Inns within nonresidential and residential zones. Community Development Director Shaw reviewed the proposed ordinance text amendment. Councilmember Harrison questioned Section 18.156.250C regarding the historical designation. Councilmember Peppler asked about the signage. Mayor Peppler declared the meeting open as a public hearing for any questions or comments. None being forthcoming, the public hearing was declared closed.

Negative Declaration - Councilmember Harrison moved to approve the Environmental Review Committee's negative declaration for Ordinance Text Amendment No. 306 based on the finding that the project will not have a significant effect on the environment, determining this project will not individually or cumulatively have an adverse impact on wildlife resources as defined in Section 711.2 of the California Fish and Game Code and directed staff to file and post a Notice of Determination in accordance with the City's guidelines. Motion seconded by Councilmember Peppler and carried unanimously.

Ordinance No. 2592 - Bed and Breakfast Inns - Ordinance No. 2592, an ordinance of the City of Redlands amending Article III of Chapter 18.156 of the Redlands Municipal Code relating to bed and breakfast inns, was read by title only by City Clerk Poyzer, and on motion of Councilmember Harrison, seconded by Councilmember Peppler, further reading of the ordinance text was unanimously waived, and Ordinance No. 2592 was introduced with unanimous Council approval and laid over under the rules with adoption scheduled for January 4, 2005.

UNFINISHED BUSINESS

City Logo - Noting Councilmembers have heard strong positions on both sides regarding the cross on the City logo, Mayor Peppler asked staff to review the options available at this time. City Attorney McHugh reported the old logo has been held in abeyance, the Save the Redlands Seal Committee has presented alternative logos for review, the last day for the initiative to be circulated is January 24, 2005, and news reports have indicated that if the City Council adopts a new logo as presented by the Save the Redlands Seal Committee, the initiative may be withdrawn. Speaking from the audience were: Marsha Gebara who felt the Redlands Bowl was a good choice for the new logo; Reverend Don Wallace who presented several versions of a revised seal which all included the Assistencia Mission with a cross; Glenn Wilson who has been soliciting signatures on the initiative petition; Robert C. Newman II who was in favor of retaining the original logo; Lowell Linden who was in favor of Mr. Wallace's

proposal; Steven Frasher who thought the City should use the symbol on the wall in the Chambers as it does not include any of the hot buttons and noted the Assistencia was not originally built with the bell tower and cross and felt that no religious symbol should be on a civic device; Herb Williams who agreed with Mr. Frasher and stated the ACLU will not back off with this new design that still has a cross on it; and Wiley Smith who felt the new proposal would be more defensible against the ACLU. Mayor Pepler noted that if the initiative petition wins in the election, we will be sued; if the City Council adopts the new proposal, we will be sued. Councilmember Gilbreath thought the City Council should allow the people to vote on the initiative. Councilmember Harrison suggested continuing this discussion to January 4, 2005, at which time a clear design could be presented with an adopting ordinance. Councilmember Gil noted he was still willing to "fight the good fight" if the proponents were willing to pay for it reminding everyone that the dollars lost in the lawsuit are dollars lost to make street repairs, trim trees and provide other services to our citizens. Councilmember George felt the petition circulators had a moral obligation to the people who signed to submit the petition and stated once again that he would not vote for any logo if there was a cross on it. At this time, Scott Seigel, the petition proponent, addressed the City Council and stated he would like to see the City Council to consider the alternate logo but than in the meantime, he would continue to collect signatures. Following further discussion, the discussion was continued to January 4, 2005.

PUBLIC COMMENTS

Mission Gables Bowl House - Emery B. Milroy asked for an update on the status of the rehabilitation project for the Mission Gables Bowl House. Public Works Director Mutter responded to his inquiry.

Illegal Dumping - David Waters asked the City Council for assistance with the problem of illegal dumping and filling up dumpsters in his apartment complexes. He was referred to staff.

ADJOURNMENT

There being no further business, the City Council meeting adjourned at 8:30 P.M. The next regular meeting will be held on January 4, 2005.

City Clerk